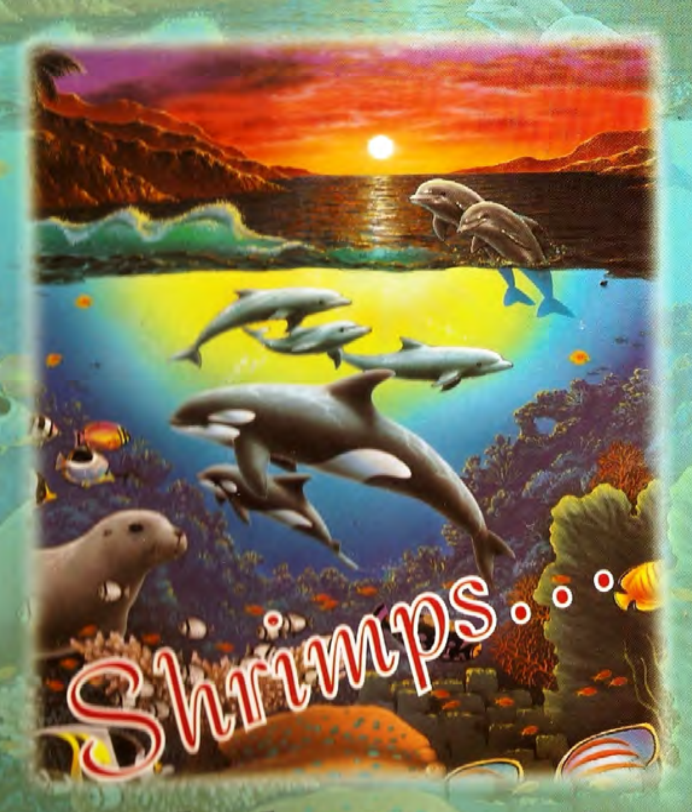
Animals of the Ocean

Hanafi Dalaa-il (Proofs)



Halaal or Haraam?

(Hanafi Math-hab)

Majlisul Ulama of South Africa



The Animals of the Ocean
& the Hanafi Dalail (Proofs)

SHRIMPS......

Halaal or Haraam?
(Hanafi Math-hab)



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THE ANIMALS OF THE OCEAN SHRIMPS HALAAL OR HARAAM?

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P.O. Box 3393, Port Elizabeth-6056
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INTRODUCTION

Among the Four Math-habs of the Ahlus Sunnah Wal Jama'ah there is difference of opinion on the question of the permissibility and prohibition of consuming sea animals. The verdict vacillates between *Hurmat and Hillat* (Prohibition and Permissibility). Some say that all sea animals are halaal; some say most are halaal . However, according to the Hanafi Math-hab *all* sea animals besides fish are haraam. Only fish is halaal. Each Math-hab has its *dalaa-il* (proofs) based on the Qur'aan and the Sunnah.

This question has been settled and finalized long ago – almost fourteen centuries ago. After its finalization, there has not been any further argument among the followers of the Math-habs on this issue as well as other issues of differences among the Four Mathaahib. The Fuqaha and even the ordinary followers of the Mathaahib have adopted a broadminded tolerant attitude towards the differences of the Math-habs. Since it is the belief of the Ahlus Sunnah that all Four Math-habs are the Products of the Qur'aan and Sunnah, the differences have been accepted without rancour and bigotry. These differences are confined to academic circles –to the Madaaris where Students of higher Deeni Uloom engage in the technicalities of *dalaa-il.*

In recent times there has developed the deviated Salafi sect whose adherents are the blindest muqallideen (followers) of their Imaam Ibn Taimiyyah. While they put out that they arrive by their views on the basis of their study of the Qur'aan and Hadith, they are too dishonest to admit that they are too stupid to make a direct study of the Qur'aan and Hadith. They crib from the writings of Ibn Taimiyyah and disseminate the story of being independent researchers and scholars.

Among the Salafis are two categories of muqallideen of Ibn Taimiyyah. The one class consists of totally ignorant followers who are constrained to follow blindly whatever their muqallid 'scholars' dish out to them. The other class are the so-called 'scholars' who are deceitful since they are the ones guilty of cribbing from the

writings of Ibn Taimiyyah, but lack the decency to acknowledge that they are following his views and opinions.

The members of this deviated sect teach that all sea animals are halaal. In the process of the propagation of their view they find it expedient and imperative to castigate Hadhrat Imaam A'zam, Imaam Abu Hanafi (rahmatullah alayh). They claim that the Hanafi view on the question of sea animals is devoid of Shar'i basis and that it is the product of personal opinion. It is to dispel this slander against the illustrious Imaam of the Hanafi Math-hab that we have prepared this concise booklet which presents the *Qur'aanic and Sunnah dalaa-il of the Hanafi Math-hab.*

The aim of this booklet is not to assault the *dalaa-il* of the other Three Math-habs since all Four Math-habs constitute the Ahlus Sunnah Wal Jama'ah. The aim is merely to refute the slander of the deviate Salafi sect which claims that the Hanafi view lacks Qur'aanic and Sunnah proofs. It is only Shaitaan who has harnessed the deviates to churn up theoretical arguments fourteen centuries after the settlement of the differences. And, the aim of Iblees is to keep Muslims perpetually engrossed in unnecessary strife and to mislead the followers of the Sunnah from Siraatul Mustaqeem into *Dhalaalah* (Deviation) which is the path of the modern-day Salafi sect.

The scurrilous attacks which the Salafis launch against Imaam Abu Hanifah (rahmatullah alayh) in particular, testify to their *jahaalat* (crass ignorance) and shamelessness. Great Aimmah-e-Mujtahideen and Fuqaha of the Khairul Quroon epoch hung their heads in submission to the grandeur of the Uloom and Taqwa of Imaam A'zam (rahmatullah alayh). The greatest Fuqaha of all Math-habs, acknowledge the superiority of Imaam A'zam. The statement of Imaam Shaafi' (rahmatullah alayh, viz., *"We are the children of Abu Hanifah in Fiqh"*, is more than adequate commentary of the lofty status occupied by Imaam Abu Hanifah (rahmatullah alayh) in the Firmament of Islamic Uloom.

Every great and illustrious authority of the Shariah in all ages have stood up in honour of Imaam Abu Hanifah, but we find these ignorant blind muqallideen of Ibn Taimiyyah in this belated age slandering the great Imaam. May Allah Ta'ala save us from the consequences of blasphemy and slander.

Mujlisul Ulama of S.A.

Jamaadal Ula 1425
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THEIR ARGUMENTS

NO. 1

The strongest argument which the legalizers of sea animals (i.e. fish and all other animals which inhabit the sea) tender for their view is the Qur'aanic aayat:

> ***"Lawful have been made for you hunting of the ocean and its food, (this being) a benefit for you and the travellers." (Surah Maaidah, aayat 96)***

The legalizers translate: the term *'sayd'* to mean 'game' or the hunted animal. In terms of their translation they claim the aayat means that all animals hunted in the ocean are halaal. The aayat states clearly that its (the ocean's) food is halaal. The aayat is general in import and does not confine seafood to fish as the Hanafis claim.

THE HANAFI RESPONSE

The first error is in the translation. The term *'sayd'* in the context of this aayat is what is called in Arabic grammar *Ism Masdar* (root word or infinitive verb) which means *to hunt.* In the context of this verse –the context shall soon be shown, Insha'Allah – the

term does not refer to the *hunted animal*. It refers to the *act of hunting*. Thus the translation is: *Hunting in the ocean has been made lawful for you.*

In this sentence of the aayat, two separate things are mentioned – hunting and food. Two things have been made lawful: Sea-hunting and its food. If the term *'sayd'* is interpreted to mean the hunted sea animal, then the translation would be: *Lawful have been made for you the sea animal and the sea food.* This will lead to the conclusion that sea animal and sea food are two different things. But this conclusion is absurd and the erroneous translation has produced the absurdity.

Furthermore, the literal meaning of the term *sayd* is the meaning of the *masdar (to hunt)*. The meaning of *the hunted animal* is derived by interpretation and is a figurative meaning. To opt for the figurative meaning at the expense of sacrificing the literal *(haqeeqi)* meaning without valid *daleel* is arbitrary and baseless. There has to be strong reason for abandoning the literal meaning and adopting the figurative meaning. The *Ahnaf* (the Hanafi Fuqaha) have adhered to the literal meaning.

The *daleel* for retention of the literal meaning is the next sentence in the very same aayat. The translation of the aayat is as follows:

> ***"Lawful have been made for you hunting of (the animals) of the ocean and its food, (this being) a benefit for you and the travellers, and unlawful has been made for you hunting wild animals) of the land as long as you are in the state of ihram."***
>
> ***(Surah Maaidah, aayat 96)***

Firstly, it should be noted that this aayat refers to those who are in the state of *Ihraam*. For those who are in the state of *Ihraam* the Shariah decrees that hunting in the sea is lawful while hunting on the land is unlawful. Thus in the context of this aayat, the first sen-

tence (i.e.*saydul bahr)* is conjoined *(atf)* to *saydul barr)*. The aayat thus means: *Hunting of sea animals is halaal for the muhrim while hunting of wild animals of the land is haraam for him.*
If the figurative meaning of *sayd* (viz., animals) has to be accepted, and not the literal meaning (viz to hunt), it will mean that it is not permissible for the *muhrim* to eat the meat of halaal wild animals. But this is not so. It is permissible for the *muhrim* to eat the meat of wild animals of the land as long as he himself had not hunted the animal nor was he in any way whatsoever instrumental in catching or hunting the animal. This clarifies that the literal meaning applies here, not the figurative meaning.

Among the legalizers of all sea animals there are those Fuqaha who exclude frogs, crabs, poisonous creatures, crocodiles, eels, sea-pigs and the like from the permissibility. Inspite of their claim that the aayat applies to *all* sea animals, they do make these exceptions. This establishes that there is no consensus on the claim that the aayat in question means that *all sea animals are halaal.*
A view of the Shaafi Fuqaha is that the likes of animals which are haraam on the land are also haraam in the oceans. Thus, sea pigs, sea dogs, sea lions, etc. are haraam because their counterparts on the land are haraam. Imaam Ahmad Bin Hambal (rahmatullah alayh) also excludes frogs from the permissibility because of the Hadith which prohibits its killing for use in medicine.

It is argued that the prohibition of the frog is due to its croaking being *Tasbeeh.* Rasulullah (sallallahu alayhi wasallam) said: *"Its croaking is Tasbeeh."* In otherwords, it recites the praises of Allah Ta'ala. Hence, the prohibition of killing it is due to its *Tasbeeh.* This argument is extremely flimsy. Even if it is momentarily accepted that the prohibition to kill and eat the frog is due to its reciting the praises of Allah Ta'ala, the fact remains that it is excluded from the comprehensive permission to consume all sea animals which the legalizers assert. Thus it is conceded that the aayat is not unrestricted., and does not apply to all sea animals.

Secondly, reciting of *Tasbeeh* cannot be a cause for prohibition to slaughter or kill and consume an animal. The Qur'aan Majeed states:

> ***"The seven Heavens, the earth and whatever is therein—and everything recites His praise, but you do not understand their Tasbeeh."***

There are several Qur'aanic verses which emphatically state that everything in creation glorifies Allah and recites His praise. Does this mean that nothing can be eaten on account of the fact they they all praise Allah Ta'ala? It should thus be clear that the argument of *tasbeeh* is devoid of substance.

The actual reason for the prohibition of using parts of the frog in medicine is stated by Rasulullah (sallallahu alayhi wasallam) himself when he was asked about it. In a Hadith cited in Badaaius Sanaai', Rasulullah (sallallahu alayhi wasallam) said:
"It is a filthy creature from among the filthy creatures."

ITS FOOD

The claim that *'its food'*, i.e. the food of the sea, is not restricted to fish and applies to all sea animals is incorrect. It is incorrect because there are other *dalaa-il* which restrict the meaning of seafood to fish. Insha'Allah, the other proofs will be presented as we proceed with this discussion.

This Qur'aanic aayat is supposed to be the strongest proof of those who legalize all animals of the sea. But, in reality there is no proof in this aayat for their contention. The aayat speaks about the permissibility of hunting in the sea for a *muhrim,* and in the course of this context it states that the *food* of the sea is lawful. The Hadith describes the meaning of the *food of the sea* which is lawful.

No. 2

The second argument of the legalizers of sea animals is the Hadith:

"Its (the ocean's) water is pure and its carrion is halaal."

On the basis of this Hadith it is claimed that the term *'carrion'* in this Hadith has been used in an unrestricted sense. It applies to all sea animals since the Hadith states '*the carrion of the ocean*'. It is incorrect to restrict it to fish as the Ahnaaf aver. In *Ahkaamul Qur'aan of Jassaas*, the following comment appears on this Hadith:

"He who has expertise of Hadith does not employ as proof this narration."

Even if this narration has to be accepted as proof, it is explained by another Hadith, viz.:

"Two carrions (dead animals) and two bloods have been made halaal for us: fish and locusts......"

The two carrions thus are only fish and locusts This Hadith asserts the exclusion of these two *carrions* from the prohibition of carrion stated in the Qur'aanic aayat:

"Haraam has been made for you carrion....."

and the aayat:

"Except that it be carrion (which then will be haraam)..."

The prohibition of carrion stated in these Qur'aanic verses applies to carrion of both the land and the sea. However, the Hadith has excluded the *two carrions* from this prohibition. It is now clear from this Hadith that by *carrion in the context of the sea is meant only fish.* Rasulullah (sallallahu alayhi wasallam) himself explicitly mentioned that the meaning of carrion here is fish, not sea animals in general. It is therefore, improper to generalize the term and include all sea animals in the *carrion.* The Qur'aan prohibits carrion and the Hadith excludes only fish and locust from the prohibited carrion.

Furthermore, the Qur'aan in general prohibits *lahmul khinzeer* (the flesh of a pig). This Prohibition applies equally to sea pigs. It is arbitrary to confine it to land pigs. This is further proof in refutation of the claim that all sea animals are halaal. In fact many Fuqaha have excluded the sea pig from the permissibility of *'all sea animals'*.

The Hadith which prohibits using the frog as an ingredient in medicine also confirms that the permissibility is not applicable to all sea animals. The seafrog is also a sea animal. If its consumption was lawful, Rasulullah (sallallahu alayhi wasallam) would not have prohibited its use in medicine. Thus all sea animals besides fish will be in the category of the frog insofar as prohibition is concerned.

NO. 3

In this argument the Hadith of Jaabir (radhiyallahu anhu) is cited. In this Hadith mention is made of a huge animal of the sea which the Sahaabah ate. The Hadith states:

> ***"Verily, the sea threw out for them (the army) an animal which is called Al-Ambar. They ate of it."***

In this lengthy Hadith it is mentioned that the Sahaabah were three hundred in number and they ate of this sea animal for a month. They had brought some of the flesh to Madinah and even Rasulullah (sallallahu alayhi wasallam) ate of it.

This Hadith is not a proof for the claim that the huge animal was not a fish. In a Hadith in Bukhaari it is clearly mentioned: ***"The sea threw out a fish called Al-Ambar."***

This narration has been reported in different versions. Most versions mention *'fish'*. In the narration of Al-Khaulaani it is said: ***"Suddenly we beheld a huge fish."*** In the narration of Amr Bin Dinaar, it is said: ***"Then the ocean cast out for us a dead fish."*** The term *'hoot'* is used for fish in this Hadith. This word covers all

types of fish.

The experts of the Arabic language say:

"Al-Ambar is a huge ocean fish."

Furthermore, the episode of the huge fish was a miracle *(Mu'jizah)* of Rasulullah (sallallahu alayhi wasallam). It is fully within the power of Allah Ta'ala to have created such a huge fish which sufficed for an army of 300 for a whole month. It is unreasonable to infer from the size of the animal that it was not a fish. All evidences refute this assumption.
And how did the meat of such a huge dead animal stay fresh and fit for human consumption for a whole month. Within days, the stench of a dead whale on the beach drives people a kilometre or two away to the confines of insanity. Gas masks have to be worn by those who have been hired to dispose of the dead animal. The very fact that this huge fish remained fresh for a whole month is further evidence for the miraculous nature of this episode.

The fact that several Hadith narrations and the experts of the Arabic language explicitly say that *Al-Ambar* mentioned in the Hadith in question is a huge fish, should suffice to confirm that the *'huge animal cast out by the sea'* mentioned in the Hadith of Hadhrat Jaabir (radhiyallahu anhu) was a fish.

NO. 4

The legalizers , in substantiation of their contention, cite the following Hadith narrated by Bukhaari:

> ***"Everything in the ocean is mathbooh, (i.e. it has been slaughtered)."***

This Hadith also refers to fish. In Fathul Baari is mentioned the Hadith of Hadhrat Umar and Hadhrat Ali (radhiyallahu anhuma) with a highly authentic *Isnaad*:

> ***"All fish have been slaughtered already (by Allah Ta'ala)."***

Should it be accepted that *thabah* was effected to all animals in the sea, it does not follow therefrom that to consume all animals of the sea is halaal. If a wild animal or a dog is slaughtered in the Name of Allah, its flesh becomes *taahir* (clean), but not halaal for consuming. Thus *thabah* does not render every *mathbooh* halaal for eating.

If it has to be accepted that since *thabah* has been effected to everything in the sea, the logical conclusion of the logic employed, will be that every animal in the sea is halaal, we see that Aimmah-e-Mujtahideen and some Fuqaha contend that certain sea animals are haraam. This confirms that there is no consensus on the contention that by virtue of the *thabah* mentioned in the Hadith, all sea animals are halaal because no one claims that absolutely every sea animal is halaal.

The following Hadith of Hadhrat Umar and Hadhrat Ali (radhiyallahu anhu) narrated by Baihqi with an excellent *Sanad*, clinches this argument by eliminating all doubt:

" Thabah has been effected to all locusts and fish."

If the *mathbooh* (having been slaughtered) has to be accepted as the factor for the permissibility of sea animals, then there is no reason for any of the legalizers to exclude any sea animal from the permissibility, yet this is not the case. The only difference they have with the Ahnaaf is a quantitive one. While the legalizers aver that some sea creatures are haraam, the Hanafi viewpoint is that all sea creatures besides fish are haraam. Thus, it is baseless to present the Qur'aanic aayat as an argument in refutation of the Hanafi standpoint. While the legalizers claim that *all* sea creatures are halaal, they nevertheless do make exceptions which break down their own argument.

AL-KHABAAITH

Allah Ta'ala states in the Qur'aan Majeed: *"And he prohibits them from impure (filthy) creatures."*

In a Hadith, Rasulullah (sallallahu alayhi wasallam) described the frog as *"a filthy creature from among the filthy creatures"*. *Kha-*

baathah (filthiness/impurity) is a factor of prohibition. Most of the sea creatures which people consume such as shrimps, crayfish, lobsters, etc. feed on the filth in the oceans. Their status as being from the *al-khabaaith* is also a factor of prohibition.

SUMMARY

(1) The Qur'aanic verse which is supposed to be the strongest proof of those who legalize sea creatures other than fish , in reality is not proof for the claim that all sea animals are halaal. The aayat mentions the permissibility of sea-hunting for the *muhrim.* The Aayat only states that the *food of the sea* is lawful, but it does not explain the meaning of *sea food.*

(2) The Hadith which states that the *carrion of the sea* is halaal is explained by another Hadith which explicitly mentions that this *carrion* is fish which is halaal.

(3) The huge animal which the sea had cast out for the Sahaabah was also a fish according to several Hadith narrations. It was furthermore, a miraculous episode which cannot be cited as proof for the contention that *all* sea animals are halaal.

(4) The claimants of all sea animals being halaal also exclude from their contended permissibility some creatures, and this exclusion is inconsistent with the logic they utilize to criticize the Hanafi viewpoint.

(5) In view of the fact that the Qur'aanic aayat cited by the legalizers does not state the permissibility of all sea animals, the reference has to be only the Hadith. But according to the Hadith, only fish is halaal.

It should now be clear that the view of the legalizers of *all* sea animals is based on erroneous interpretation. The view of the Ahnaaf is sound and the strongest. And, Allah knows best.

SHRIMPS--- HALAAL OR HARAAM?

(HANAFI MATH-HAB)

The principle pertaining to aquatic animals according to the Hanafi Math-hab is that of the sea animals ONLY fish is halaal, Besides fish ALL sea animals are haraam. There is complete consensus (*Ijma'*) of all Hanafi authorities on this issue.

SHRIMPS

Among the Hanafi Ulama there is some difference of opinion regarding the permissibility of consuming shrimps. Some Hanafi Ulama who have opined that shrimps are fish, say that these creatures are halaal. Those who claim that a shrimp is not a fish, aver that it is haraam.

Those who believe that shrimps are not fish have no alternative but to say that these creatures are haraam while the opposite will be true for those who believe that these sea creatures are fish.

This article is a response to the arguments presented by a Maulana who claims that shrimps are fish, hence halaal. We shall now proceed to analyse his arguments and present our response, Insha'Allah.

(1) THE QUR'AANIC AAYAT

The Maulana firstly presents an aayat from Surah Maaidah as the basis for his claim. He cites the aayat:

"Saidul Bahr has been made lawful for you...."

He proceeds to say that "*Saidul Bahr*" (Bahr means the ocean) is *samak* (fish). On the basis of this claim he concludes that all sea

animals are *samak* (fish) irrespective of what type of animal it may be that is found in the sea. Since all sea animals are fish according to the deduction of the Maulana, he asserts that shrimps are halaal because these creatures too are fish.

For this conclusion there is a need for narrational or Shar'i evidence otherwise the claim has no validity. Since he cannot find any Shar'i evidence for this claim in the Hanafi Math-hab, he cites Imaam Nawawi (rahmatullah alayh) and the view of the Shaafi Math-hab. But from the very outset we should emphasise that our discussion is only in terms of the Hanafi Math-hab. In this article we are not refuting the Shaafi viewpoint, hence there is no need for us to present the basis and proofs of the Hanafi Math-hab in opposition to the Shaafi Math-hab. We are dealing with a Hanafi Maulana, hence the attempt by him to substantiate his view with Shaafi proofs is baseless and untenable.

If according to the Shaafi Fuqaha all sea animals are classified as *samak*, it is of no significance for the present article since the Maulana being a follower of the Hanafi Math-hab has to necessarily restrict himself to proving his view on the basis of only the evidences of the Hanafi Math-hab.

To make the sweeping statement that *'Saidul bahr'* brings within its meaning ALL sea animals for consumption, even sea dogs and sea pigs, is preposterous and rejected outright by the Hanafi Fuqaha. Whatever the definition of *samak* may be according to the various Hanafi Fuqaha, they do not claim that all sea animals are fish as the Maulana avers.

At most, he can say that there are differences in the definition of fish, but it is highly incorrect to assert that all sea animals are fish.

The Hanafi Fuqaha do not accept this claim, and we shall show later that this is also the Shafi view. The statements of Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) and others among the Hanafis which the Maulana cited only confirm that there is no all-embracing definition for *samak*. But there is absolutely no evidence for the claim that according to the Hanafi Math-hab all sea animals are fish.

While the Maulana abortively attempted to prove that all sea animals are '*samak*', he cites the following definition of *saidul bahr* from Ahkaamul Qur'aan:
"Saidul Bahr: By this is intended samak, not that which is besides it (samak)."

In other words, there are sea animals "besides samak", It is therefore ridiculous in terms of the Hanafi Math-hab to argue that all sea animals are *samak* (fish).

It was never contended that there is no difference of opinion regarding the technical definition of *samak*. The Maulana's attempt to expand on this issue of difference in definition is therefore a futile exercise. The question under discussion is shrimps—are shrimps halaal or haraam? The question is not about the definition of *samak* or that there is no difference of opinion among our Fuqaha regarding this definition.

The Maulana also cites Ad-Durrul Mukhtaar and Shaami as follows:

"Sea animals besides the fish are not halaal..."

This statement further refutes the contention that all sea animals are *samak*. If all sea animals are *samak*, it will be meaningless to say:

"Besides fish all sea animals are not halaal."

(2) THE PRINCIPLE

The Maulana says:

"When there is no *'jaami'-maani'* (all-comprehensive) definition for *samak*, the best and easiest way to determine what we can eat and what we can't, is to follow the *Usool* laid down by Shaikhul Islam Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh). He writes: *"Whatever is of the genus of samak literally and customarily (lughatan wa urfun), is halaal without difference of opinion."*

Firstly, Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) lived some decades ago while Islam is fourteen centuries old. Surely the millions of Hanafis of the past 14 centuries did have the guidance of the Shariah to follow. Surely, it will be ridiculous to assume that the Ummah had to wait for Hadhrat Maulana Zafar Ahmad (Rahmatullah alayh) to lay down the principle to enable us to determine what to eat and what we may not.

The principle in this regard is as old as Islam. The Hanafi Fuqaha had already formulated it on the basis of the Qur'aan and Sunnah almost fourteen centuries ago. It is very childish for the Maulana to expect us and all others to set aside what the innumerable Hanafi Fuqaha have said on this issue and to make taqleed of Hadhrat Maulana Zafar Ahmad (rahmatullah alayh). How can the Maulana expect us to set aside all other opinions and submit only to what Hadhrat Zafar Ahmad (rahmatullah alayh) has laid down. By this we are not implying that what this illustrious Allaamah said is incorrect. We are merely saying that the Maulana has no authority whatsoever to make such a sweeping statement and seek to make the whole world the muqallideen of Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh), He should go a bit higher and cite such Fuqaha whose taqleed is incumbent on us.

Al-Urbayaan

The Maulana then proceeds to give the literal definitions of the terms *al-urbayaan*. The several authorities he cites define al-urbayaan as *'small fish like worms'*. Firstly, the definitions appearing in dictionaries are not the final word for Shar'i proof. The Proofs of the Shariah are four as all know. The definitions in dictionaries can assist us in arriving at conclusions. But, acceptance and rejection of the dictionary meanings are not crimes in the Shariah. If there are grounds for rejecting a meaning or definition given in a dictionary, this will be valid. Dictionaries are not in the same categories as the Qur'aan, Sunnah, Ijma' and Qiyaas. Just one example of a misleading definition given by dictionaries is the meaning of *anfahah*. The dictionaries describe real *anfahah* as rennet. In addition they also describe a substance extracted from the stomack linings of animals as *anfahah* simply because of the common effect of *anfahah* and the other substance. But the Shar'i hukm for both substances differs.

Then the Maulana says that there are another 18 to 20 dictionaries which say that prawns are fish. Usually a later compiler of a dictionary takes his definition from a former book. In this way, one can find many dictionaries or books giving the same definition/meaning while it may be erroneous. An error committed in the beginning is transmitted by those who come afterwards. This gives an erroneous impression of so many authorities sharing the same view while it is a case of many having simply reported the same initial error.

The dictionaries to which the Maulana has referred to do not say that 'prawns are fish'. They say 'al-urbayaan' are small fish. Now what is the categoric and irrefutable proof for claiming in the first place that 'al-urbayaan' are actually fish. The dictionaries say that are 'like worms' (dood). Some Arabic dictionaries say "samakun sagheerun"

(tiny fish). This could refer to sardines or even smaller fish. There is no proof other than modern day Arabic-English and Urdu-English dictionaries for the view that 'urbayaan' are prawns. We are under no Shar'i obligation to accept and submit to these dictionary meanings which are clearly and diametrically in conflict with reality of shrimps not being fish.

Just as the definition of *'samak'* presented by Imaam Nawawi (rahmatullah alayh) and other Shaafi Ulama, is not binding on us nor can it be imposed on us notwithstanding the accepted stature of greatness of these Shaafi Fuqaha, so too—in fact to a far greater degree, can the views of dictionary compilers not be imposed on us for the formulation of a Shar'i ruling. If a definition in a dictionary is conspicuously in negation of fact and reality, it will be set aside. It cannot be accepted for a basis for the formulation of a Shar'i hukm.

Furthermore, inspite of the Shaafi claim that *'samak'* brings within the scope of its meaning all sea animals, they too exclude certain sea animals from permissibility. Sea pigs and crabs are not permissible even according to the Shaafi Math-hab.

The Maulana, citing Hadhrat Maulana Ashraf Ali Thanvi (rahmatullah alayh) in support of his contention of the permissibility of shrimps, quotes the following statement of Hadhrat Thaanvi:

"At this time, I have with me (the book) Hayaatul Haiyawaan of Damiri who discusses animal life. It is stated therein that "ar-rubayaan is a very tiny fish". There is no reason for not accepting it."

Our comments in this regard are as follows:

(a) This book in zoology only says that '*ar-rubayaan* is very tiny fish'. It does not say that shrimps are fish. Furthermore, shrimps are not 'very tiny'.

(b) At the time when the question was posed to Hadhrat Thaanvi (rahmatullah alayh), he was unaware of the meaning of shrimps (*jheengha* in Urdu). Since shrimps are not part of the normal diet of that part of the world, Hadhrat Thaanvi (rahmatullah alayh) was unaware of what exactly shrimps were. He therefore resorted to the book, Hayaatul Haiyawaan. That was the only source available to him at that time. Since he accepted this version and the dictionary meaning of *ur-bayaan,* he had no reason to conclude that shrimps were not fish.

(c) Hadhrat Thanvi (rahmatullah alayh) by his fatwa never intended that his view will be the final word on this question Clarifying this, he comments:

"The basis (for the fatwa)is only on the knowledge of the experts (of zoology). If there will be differences among the experts (regarding the definition of shrimps), then there will be differences in the (Shar'i) hukm."

As far as 'experts' of zoology (animal life) are concerned, this is not restricted to Muslims, A man may be an expert in any mundane branch of knowledge without being a Muslim. Islam is not a condition for being an expert in such branches of knowledge. And all experts of animal life are agreed on the fact that shrimps are members of the group called Crustacea, not fish. Only those who have no awareness of shrimps, and those who have never seen shrimps and those who consume shrimps and desire it to be Halaal introduce arguments and interpretations to confuse shrimps with fish in total conflict with reason and reality.

Regarding Allaamah Damiri, the compiler of Hayaatul Haiyawaan, Hadhrat Mufti Taqi Uthmaani (Daama Baraakaatuhum) says:
"As far as Allaamah Damiri is concerned, he is not an expert on animal life, He is purely a transmitter of narrations. In Hayaatul Haiyawaan he has compiled all sorts of spurious narrations. His statement which conflicts with other experts is not binding."

In brief this much is clear that there are differences of opinion on this issue. No one has the right to impose his view on others, especially when one is convinced of the correctness of one's view and the error of the opposite view. Our view is based on, not only what experts on animal life say, but also on the popular and customary meaning of shrimps. Furthermore, our view is confirmed by visible ascertainment of the reality of shrimps. No matter which dictionary is cited and no matter whose view is presented, one's eyes will conform that a crab is not a fish and a shrimp is not a fish. On the contrary, after seeing a shrimp common sense will convince one that a shrimp is a small crab.

If Allaamah Damiri and other experts had seen a shrimp, they would undoubtedly have said that it is a '*sartaan sagheer*' or a small crab. Why should a person conclude that a shrimp is a fish and not a crab or similar to a crab when the similarities and characteristics of crabs and shrimps are common? What is the rational argument for separating the shrimp from the crab family with which it shares almost all characteristics, and categorising it with fish with which it differs substantially?:
The Maulana summarily dismisses Mufti Taqi Saheb's view as baseless. This arbitrary rejection of Mufti Taqi's claim is devoid of any basis. We are sure that this venerable Mufti Saheb does have a firm basis for claiming that Allaamah Damiri was not an expert on animal life. We suggest that the Maulana writes to Mufti Taqi Saheb and query his basis for his claim..

Whatever Mufti Taqi Saheb's answer may be and whatever the Maulana's view may be, this much is confirmed that there is difference of opinion regarding the definition of shrimps. But those who study the shrimp objectively, without any bias or prejudice, cannot fail to conclude that shrimps are not fish. They are small 'crabs'. The difference is restricted to those who are unaware of the reality of shrimps and to those who want to force the ruling of permissiblity.

(3) THE VIEW OF THE SCIENTISTS

The Maulana in his article states:
"Some respected muftis of our era have followed the scientists and say that we should follow them in determining what is a fish"

Even Hadhrat Thaanvi (rahmatullah alayh) said that on such matters the views of the experts should be taken into consideration. In regard to shrimps in particular, we are not aware of any Muftis of our era who have said that we should determine the fatwa on shrimps on the basis of what the 'scientists' say. If the Maulana's reference to 'muftis in this regard is to the Mujlisul Ulama, then he should present the basis for his claim. At no stage did we claim that for a Shar'i ruling on shrimps, the views of the 'scientists' should be accepted.

If the view of the scientists and the experts is in conflict with reality, their views will be rejected, not used as a basis for formulating a Shar'i hukm. However, if a mufti has no access to reality and he is unaware of something, then he will be acting correctly by ascertaining what the experts on that topic have to say. But if an expert says that *sartaan*(crab) is (samak) as Imaam Nawawi (rahmatullah alayh) claims, then we shall refute this contention and even our Maulana who argues in favour of shrimp-consumption, will not accept the claim of *sartaan* (crab) or of a sea pig being halaal notwithstanding that the definition of *'samak'* according to some

authorities applies to such aquatic animals as well. In terms of the definition of Imaam Nawawi (rahmatullah alayh), even sea-turtle is '*samak*', hence halaal. What does the Maulana say about sea-turtle? If he is a Hanafi, then obviously he will say that it is not halaal. If he is or has become a *ghair muqallid*, then we have no argument with him and any discussion with him on the subject will be futile.

The views of the '*mubassireen*' (experts) can be cited in support of reality. Since the views of the experts of zoology confirm our own observation regarding shrimps, we can cite what they have to say. At the same time we are entitled to dismiss the opposite view which is in stark conflict with reality.

Dictionaries and encyclopedia also contain errors. The definitions and meanings in dictionaries are not the final words in reliability and authenticity. Only those who have no knowledge of a subject and have no practical means of ascertainment, will be under some obligation to accept even an error presented in a dictionary because they lack any other evidence.

(4) SHAIKH MAULANA MUHAMMAD ISHAAQ

The Maulana whose article we are refuting, lays much emphasis on what Hadhrat Maulana Muhammad Ishaq (Daama baraakatuhum) says in refutation of Mufti Taqi Uthmaani (Daama barakaatuhum), But his view is not binding on us. Just as we do not accept the claim of anyone who irrationally says that shrimps are fish, so too do we not accept Maulana Ishaq's view.

Also, it has yet to be proved that Allaamah Damiri and other zoologists of bygone times claimed that *urbayaan* are in fact shrimps. They only said that urbayaan are tiny fish. Even if it is confirmed that *urbayaan* are shrimps, we are under no obligation to

accept this definition when we can see as clear as daylight that shrimps are not fish. On the contrary, they are small crabs.

(5) THE ARGUMENT OF URF

The Maulana citing Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh), avers that any aquatic animal which is customarily (*urfan*) known as *samak* (fish) is halaal. On the basis of this principle, the Maulana claims that shrimps are '*urfan*' known as fish.

He further seeks to support his view in this regard by citing Maulana Muhammad Ishaaq Saheb who rejects Mufti Taqi Saheb's view. Mufti Taqi Saheb says that *urfan*, shrimps are shrimps, not fish. He says that no one classifies shrimps as fish. If you order shrimps at a restaurant, you don't say 'fish'. You will state unambiguously shrimps or prawns or jheengha.

However, it is indeed extremely surprising that an Aalim of Hadhrat Maulana Muhammad Ishaaq's stature refuting this reality and trying to force the belief that *urfan* shrimps are known as fish.. The Maulana quotes Hadhrat Maulana Ishaaq as follows:

"Then, the author of *Dars-e-Tirmizi* says: 'In *Urf-e-Aam* (i.e. customary language of the public), it (prawns/shrimps) are not regarded as fish.', is a forced ruling (i.e. baselessly assumed). I do not know about which place's urf-e-aam he (i.e.Mufti Taqi Uthmaani Saheb) is speaking. For fixing the urf of fish and non-fish, the urf of the region of fish is necessary, i.e. where fish is found in abundance and consumed in abundance. The urf of Karachi and Hindustan is not reliable in this regard. Here by us where fish is available in abundance and is consumed in abundance, if someone is sent to bring fish, but he brings shrimps, he will be regarded as having fulfilled the order in the best manner….."

This reasoning is most surprising to say the least. Bangladesh is a land of fish. We do not think there is a nation of people who consumes more fish than Bangladeshis. But the distinction between fish and shrimps is clear and unambiguous. The attitude of the particular people referred to by Maulana Ishaaq Saheb is quite peculiar. No where in the world do people consider fish and shrimps to be the same.

Step into any restaurant anywhere on earth and ask for shrimps. You will not get fish. Ask for fish and you will NEVER be served shrimps. Perhaps someone who loves shrimps, but cannot afford the price, will be delighted if shrimps are served after he requested fish. But a person who specifically requests shrimps will not be satisfied with fish. If you order shrimp-curry, you will not be served with fish curry. But if you order fish curry, you will be served with any of the thousand varieties of fish available, but not shrimps.

Maulana Ishaaq's contention that according to *urf-e-aam* shrimps are fish, has to be necessarily rejected as devoid of any substance. In fact it is in conflict with reason and reality. No one, but those who wish shrimps to be halaal, will venture such a preposterous supposition as Maulana Ishaaq Saheb has tendered.

In the *urf-e-aam* of all people, Muslims and non-Muslims, shrimps are not fish. The shrimp is a separate aquatic animal distinct from fish. The claim that in the urf of the general public shrimps are fish is baseless and an attempt to forcibly hoist it on others.

When Hadhrat Mufti Mahmudul Hasan Gangohi (rahmatullah alayh) was in South Africa, he was asked in our presence about shrimps. The venerable Mufti Saheb replied:

"Jheenga (shrimps) are not among the kinds of fish. Therefore, shrimps are haraam.." In his explanation on shrimps, Hadhrat Mufti Mahmudul Hasan (Rahmatullah alayh) further commented:

"When this very same question was posed to Hadhrat Maulana Khaleel Ahmad (Rahmatullah alayh), he sent for a fish and shrimps. He put both infront of him and pointed out to the many differences between the fish and the shrimp. Then he said: "Therefore it is not permissible."

Any particular community's *urf* does not alter the reality. Let us assume that what Maulana Muhammad Ishaaq Saheb says is correct, namely, in the *urf* of fish-consumers, shrimps are fish, then too this *urf* will be unacceptable because it is in diametric opposition to reality. One does not have to be a scientist or an expert in zoology to understand that shrimps are not fish. A physical examination of a shrimp and a crab will convince any unbiased examiner that shrimps are in fact small crabs, not tiny fish Only those who have absolutely no knowledge of shrimps nor have they seen these aquatic creatures may resort to what dictionaries and others feed them with. But their claims are no argument to negate what is claimed by one who fully knows what shrimps are.

(6) THE VIEWS OF THE LEGALIZERS

The Maulana Saheb who argues in favour of the permissibility of shrimps presents the views of some Ulama who have opined that shrimps are fish. Then he seeks to hoist their opinion on all and sundry as if there is *qat'iyat* (absolute certainty) in this. But, the reality is that many great Ulama claimed the contrary and negated the claim of shrimps being fish.

We have these Ulama to back up our own view regarding the nature of shrimps. We cannot be expected to believe that the sun shines

during the night time. Such a claim is irrational and absurd. While Ulama who are unaware of the nature of shrimps are excused for their erroneous view based on errors in dictionaries, those who have no doubt regarding the nature of shrimps will be inexcusable for their error if they have to say that shrimps are fish simply because Damiri and some other zoologists of bygone times have made this claim.

(7) THE CHARACTERISTICS OF SHRIMPS

The Maulana then attempts to pass off shrimps as fish by engaging in an extremely dubious and weak discussion on the definition and characteristics of fish. In this abortive attempt to bring shrimps within the scope of the defective definitions of fish, the Maulana completely ignores or is blissfully unaware of the many similarities and common characteristics of shrimps and crabs –crabs which are unanimously haraam according to the Hanafi Math-hab.

The following explanation of the crab, lobster and shrimp will or should convince an unprejudiced person that shrimps are small crabs, not fish.

PHYLUM ARTHROPODA

The word "arthropoda" means "jointed legs".

All arthropods have an outer shell which they shed as they grow, and all have jointed limbs. According to biology books over 35000 kinds of arthropods live in the sea, and over 880 000 kinds (mostly insects) live on land. The main distinctive characteristics of the Phylum Arthropoda are:

1. An **EXOSKELETON**. The ability of the epidermis to secrete a tough cuticle which acts as an exoskeleten.
2. **JOINTED LIMBS**. The presence of jointed limbs or appendages which are serially repeated along the body, some of them modified for dealing with food.

3. **HAEMOCOEL**. The main organs of the body lie in blood filled cavities.

CRUSTACEA

Crustacea is a class of the phylum Arthropoda whose members include such well-known animals as **lobsters, crabs, shrimps and barnacles.**

The body of a crustacean is covered with an external skeleton, or exoskeleton, of chitin….. The body is typically divided into a series of segments, each with a jointed pair of appendages. The appendages are variously modified to serve for biting and grasping, as walking or swimming legs.

The class crustacea is divided into several major sub-classes: among the more important are ………; and **MALA-COSTRACA, the lobsters, crayfish, crabs, shrimps, sowbugs and wood lice.**

Some of the larger crustaceans are used as food by man.

(ENCYCLOPEDIA INTERNATIONAL)

"Crustacea, large class of athropods, including **crabs, lobsters, shrimps,** etc., mostly aquatic, many with hard shell and many legs."

"Crab: Various desapod crustaceans ….. The edible species found on or near sea-coasts."

"Crayfish: Small lobster-like freshwater crustacean…."

"Crawfish: -- Crayfish."

"Lobster: Large marine crustacean, a decapod having a pair of heavy pincer-like claws and stalked eyes, which is eaten as a delicacy….."

(THE READER'S DIGEST GREAT ENCYCLOPEDIA DICTIONARY)

"CRAB: ten-legged (decapod) crustacean."

"CRAYFISH: A freshwater crustacean of the order DECAPOD (i.e. ten-legged), also called crawfish or crawdad….. Their tender flesh is considered a great delicacy, especially in Scandinavian countries."

(ENCYCLOPEDIA INTERNATIONAL)

LOCOMOTION AND MOVEMENTS OF THE CRAYFISH

"The crayfish has two types of locomotion: WALKING and DARTING. When walking the body is held with the abdomen extended with the four pairs of walking legs in contact with the substratum……

"In darting, the animal violently flexes its abdomen….."

(ANIMAL BIOLOGY—BY PROFESSOR EMERITUS OF ZOOLOGY in the university of London).

This same book (Animal Biology) also assigns the CRAYFISH to the class, CRUSTACEA.

"Arthropoda

Characteristics: 1.) External skeleton formed of a hard substance known as chitin; 2.) jointed legs; 3.) segmented body.

They live in the sea and air and on the land. In the sea they are represented by the familiar crabs and barnacles, lobsters and shrimps……"

(THE SEA—LEONARD ENGEL)

SHRIMP: Any of the small, marine decapod (ten legged) crustaceans……..

(READER'S DIGEST GREAT ENCYCLOPAEDIC DICTIONARY)

SHRIMPS: Crustaceans in the order Decapoda. All have ten legs, very long antennae, and a long segmented body with swimmerets.

(ENCYCLOPEDIA INTERNATIONAL)

The English-Arabic Dictionary, Al-Mawrid (Beirut) defines the word, "ARTHROPODA" as follows:

arthropod [ar'thro pod'](n. : adj) (١) المفصلي: واحد
المفصليات Arthropoda وهي شعبة من الحيوانات اللافقارية
مفصلية الأجسام والأطراف كا لحشرات والعناكب النح (ح)

The same Dictionary defines the term, "CRUSTACEAN" as follows:

crustacean [Krus ta'shan] (n. : adj) (١) القشرى : واحد من
القشريات Crustacea وهى شعبة من الحيوانات المائية المثل
السراطين وجرادالبحر والروبيان (٢) قشرى

The same Dictionary defines the term "CRAYFISH" as: الإربيان. جرادالبحر
The English-Arabic Dictionary, AL-QAMOOSUL ASRI defines the term, "CRUSTACEA AS FOLLOWS:

crustacea القشريات. ذوات. الجلود القشرية أي الصلبة

The same Dictionary defines "CRAYFISH" as:

سرطان الماو التزهب .

And the term, "CRAB" as:

سرطان. خمخم .

The Arabic Dictionary, AL-MAWRID defines the word, "LOBSTER" as:

كركند. جرادالبحر . سرطان

The Arabic Dictionary, AL-QAMOOSUL ASRI defines "LOBSTER" as:

جراد البحر

كركند بحرى

The same Dictionary defines the terms, "SPINY LOBSTER" as:

كركند شائك

N.B. It must be noted that the authorities on the subject-the Biologists and the Zoologists-say that another name for the CRAYFISH is SPINY LOBSTER. This could be ascertained from the Chambers, Concise Oxford and Webster's Dictionaries.

The aforegoing explanation as well as a physical examination of shrimps will convince one that these creatures are not fish, but are small crabs (*sartaan*). The characteristics common to shrimps and crab are as follows:

(a) A body divided into 19 ring-like segments.
(b) Stalked compound eyes, i.e. the eyes are not inside the body like the eyes of fish, but are borne on antennae or stalks outside the body. Unlike fish which have simple eyes, shrimps and crabs have compound eyes, that is, each eye consists of numerous tiny eyes.

(c) To each body segment is attached a pair of appendages (leg-like protuberances).
(d) The 19 pairs of appendages of both the crab and shrimp are distributed on the body in exactly the same manner.

(e) Both, the crab and shrimp, walk, crawl and swim backwards. They do not swim forward like fish.
(f) Shrimps and crabs have exoskeletons which are discarded from time to time.
(g) Shrimps and crabs have ten legs.

Anyone who has the least respect for reality and the truth, cannever aver after having examined crabs and shrimps that the latter are fish while the former are not. An unbiased person in search of the truth will not behave in a bigoted way and claim obstinately that a shrimp is a fish and a crab is not a fish, and that crabs are haraam and shrimps are halaal, after he has made a thorough physical examination of crabs, shrimps and fish regardless of any differences there are on the theoretical definitions of shrimps.

If on the basis of Imaam Nawawi's (rahmatullah alayh) definition a crab and a sea-turtle are defined as '*samak*', will anyone among the Hanafis accept this definition and proclaim that these sea creatures are halaal.? Obviously not.

That dictionaries and encyclopedia are not the last word nor the most reliable basis for a Shar'i hukm, should be known to Ulama. Arabic dictionaries describe even crabs, lobsters and crayfish as *al-urbayaan* which Damiri said are tiny fish. And, the dictionaries also define crabs, lobsters and crayfish (i.e. all crustacea) as *jaraadul bahr* (ocean-locusts). Both terms , *al-urbayaan* and *ar-rubayaan*, are used by Arabic dictionaries to define lobsters, crabs, crayfish, shrimps and all members of the crustacea class of aquatic creatures.

THE SHAAFI DEFINITION

It is important to understand that when Imaam Nawawi (rahmatullah alayih) and other Shaafi Fuqaha and even the Shaafi zoologist, Damiri, say '*samak*', they mean thereby all sea animals, whether

halaal or haraam. It has a different meaning from the '*samak*' as understood in the Hanafi Math-hab. Whereas according to the Hanafi Math-hab ALL samak is halaal, according to the Shaafi Math-hab ALL *samak* are not halaal. This is clear from the fact that according to some Shaafi Fuqaha even *sartaan* (crab) and sea dog and sea pig inspite of coming within the scope of the definition of '*samak*' are haraam. Thus *samak* according to the Shaafi Fuqaha is simply a word for '*saidul bahr'* mentioned in the Qur'aan Majeed. It simply refers to all aquatic creatures.

It is therefore, highly erroneous to hoist the Shaafi meaning of *samak* on Hanafis and proclaim shrimps halaal when there is a difference in the meaning of the term according to the two Math-habs..

We can therefore conclude from the wide and comprehensive meaning given to *samak* by the Shaafis, that when Damiri defined *ar-rubayaan* as tiny *samak* he meant thereby tiny aquatic creatures, not tiny fish in the sense the Hanafis define the term *samak*. If a Shaafi on the basis of his understanding says that a sea-turtle is *samak* and a seal is *samak*, we cannot then rule that these acquatic animals are halaal simply because a Shaafi authority said that these animals are *samak*.

Regardless of what the scientists, the experts and the dictionaries say and how they define shrimps, etc., we are not interested in their view for the formulation of the Shar'i ***hukm*** pertaining to shrimps. The definitions and views of these experts of mundane sciences are required by only those who are unaware of the reality and nature of shrimps and have no means of ascertaining what exactly shrimps are other than referring to the experts of animal life. But those who have

the knowledge of the reality of shrimps by having made a physical examination of these creatures, are in a better position to issue a *hukm*. There is no doubt and ambiguity in their *hukm* because their

view is not based on the theories presented by scientists and experts of animal life.

In view of Hadhrat Thaanvi's (rahmatullah alayh) unawareness of shrimps, he left the matter on the opinion to the *mubassireen* (experts). He clearly did not intend his view to be the last word to be dogmatically clung to.

THE VIEWS OF OTHER ULAMA

While the Maulana who seeks to make shrimps halaal has cited the views of some Ulama, he has overlooked what other great Ulama and Fuqaha have to say on this question. We shall cite some of them here.

(i) Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) says in his Fataawa Rasheediyyah:
"Shrimps among the aquatic creatures are not fish. Besides fish, all sea animals according to the Hanafi Math-hab are not permissible."

(ii) Fataawa Abdul Hayy states: "The worms called jheenga (shrimps) are haraam according to some Ulama because they do not resemble fish...."

(iii) Mufti Kifaayatullah (rahmatullah alayh) states in his Fataawa: "In my opinion it (shrimps) are not fish..."

(iv) Hadhrat Maulana Khaleel Ahmad Ambhetwi (rahmatullah alayh) and Hadhrat Maulana Mufti Mahmudul Hasan Gangohi (rahmatullah alayh) proclaimed shrimps haraam.

(v) Hadhrat Maulana Husain Ahmad Madani (rahmatullah alayh) when he went to Gujerat refused to eat shrimps which the Ulama of Gujerat, in general, believe to be halaal.

(vi) Hadhrat Maulana Muhammad Yusuf Ludhyanwi (Rahmatullah alayh) very emphatically proclaimed shrimps haraam. He states in his Fataawa:

"Are shrimps fish or not? There is difference of opinion in this mas'alah. Those who have understood shrimps to be fish, inspite of saying it is permissible, have said that caution requires abstention from consuming shrimps. Now the latest investigation confirms that shrimps are not fish. Since shrimps are not fish, their consumption according to Imaam Abu Hanifah (rahmatullah alayh) is not permissible."

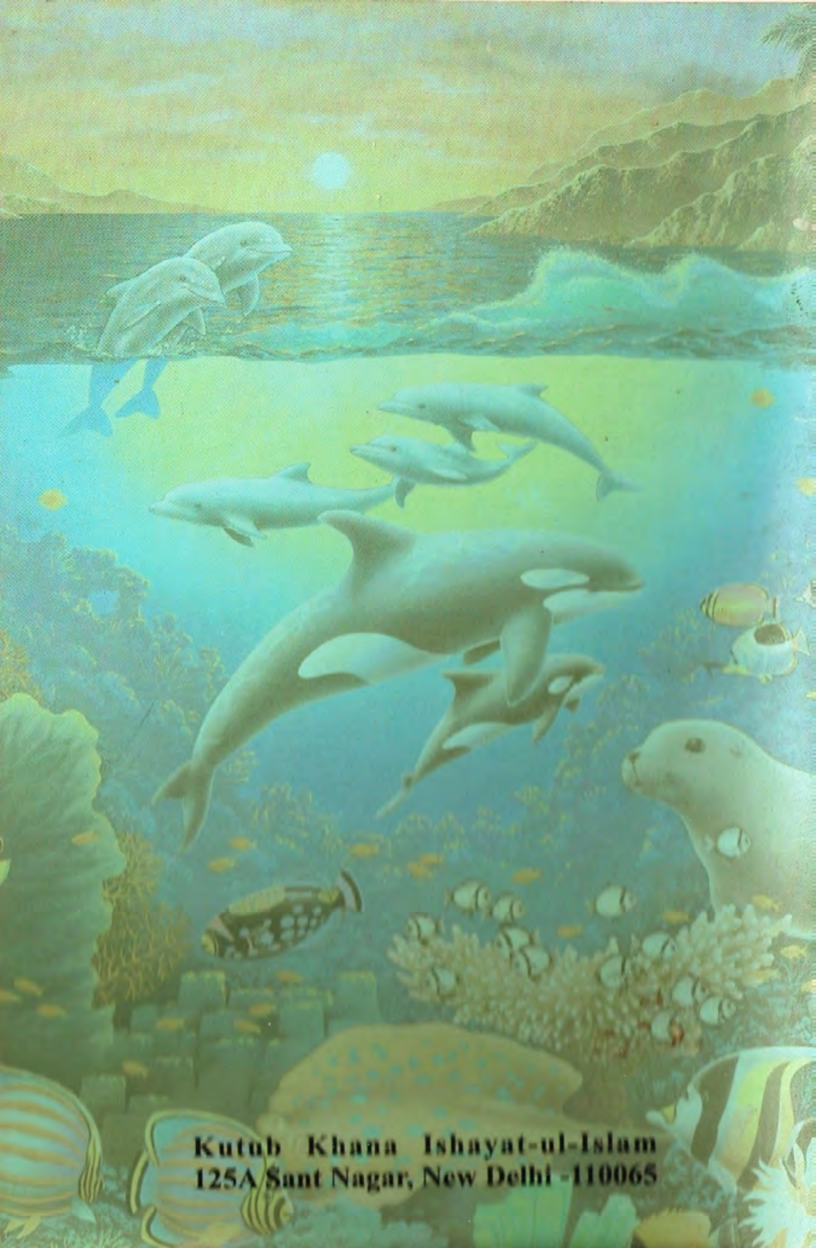
"The experts of animal life are unanimous that shrimps have no relationship with fish. In fact it is totally apart from fish. Moreover, in *Jawaahir-e-Akhlaati* it is clearly stated that all small fish are Makrooh Tahrimi. This is the most correct view

When even tiny fish are Makrooh Tahrimi(sinful and not permissible), then to a greater extent will shrimps be Makrooh Tahrimi. Tiny fish are afterall, samak. Notwithstanding this, the following appears in Jawaahir Akhlaati:

"All tiny fish are Makrooh Tahrimi."

CONCLUSION

In conclusion, Ulama should understand that in a question of *ikhtilaaf* (difference), they should always advise abstention since this is the Command of Rasulullah (sallallahu alayhi wasallam). Furthermore, the *ikhtilaaf* on the question of shrimps is extremely weak and baseless as those who went in favour of permissibility had no knowledge of the reality and nature of shrimps. They had to content themselves with brief statements such as made by Damiri: "*Ar-rubayaan are tiny fish*". Their stand is further weakened by the fact that Damiri was a Shaafi and according to Shaafi authorities all sea animals are '*samak*' as the Maulana has presented.


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